

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:	:	Case No. 14-53576
	:	
AT Xpress, LLC,	:	Chapter 7
	:	Judge Charles M. Caldwell
Debtor.	:	

TRUSTEE'S OBJECTION TO CLAIM NO. 5 OF OHIO
DEPARTMENT OF COMMERCE, BUREAU OF WAGE AND HOUR
AND RECOMMENDATION FOR ALLOWANCE

Larry J. McClatchey, Trustee, objects to the Claim No. 5 of Ohio Department of Commerce, Bureau of Wage and Hour, which was filed with the Court on June 30, 2014. The reason for the objection is that \$1,256.00 of the claim is for penalties, and therefore should be subordinated to general, unsecured claims.

Wherefore, the Trustee respectfully requests that this Court enter an Order allowing Claim No. 5 of Ohio Department of Commerce, Bureau of Wage and Hour as follows: (1) \$628.00 as an unsecured, priority wage claim; and (2) \$1,256.00 for penalties which are subordinated to the general unsecured, non-priority claim pursuant to U.S.C. § 726(a)(4).

/s/Larry J. McClatchey
Larry J. McClatchey (0012191)
KEGLER, BROWN, HILL & RITTER
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Trustee and Attorney for Trustee

NOTICE AND CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that Larry J. McClatchey, Trustee filed an objection to the claim of Ohio Department of Commerce with the Court.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief requested, or if you want the court to consider your views on the motion or objection then on or before **thirty (30) days from the date set forth in the certificate of service for the motion or objection** ("Response Date"), you must file with the court a response explaining your position by mailing your response by regular US Mail to the Clerk of the United States Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215 OR your attorney must file a response using the court's ECF System. If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the Response Date.

You must also mail a copy of your response on or before the Response Date by 1) the Court's ECF System or 2) by regular US Mail to Trustee's counsel, Larry J. McClatchey, Kegler Brown Hill & Ritter, 65 East State Street, Suite 1800, Columbus, Ohio 43215. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2015 a copy of the foregoing *Trustee's Objection To Claim No. 5 of Ohio Department of Commerce, Bureau of Wage and Hour and Recommendation for Allowance* was served electronically through the Court's ECF System at the email address registered with the Court:

Pamela Arndt on behalf of U.S. Trustee Asst US Trustee (Col) Pamela.D.Arndt@usdoj.gov
Asst US Trustee (Col) ustpregion09.cb.ecf@usdoj.gov
Brian M Gianangeli on behalf of Creditor Bureau of Workers' Compensation
bgianangeli@mifsudlaw.com
Larry J McClatchey rkelley@keglerbrown.com, ecf.alert+McClatchey@titlexi.com
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cprince@keglerbrown.com
Steven E Miller on behalf of Debtor smiller@cbjlawyers.com,
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Kristin E Richner on behalf of Creditor JobsOhio Beverage System
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Justin W Ristau on behalf of Creditor WesBanco Bank, Inc. jristau@bricker.com,
aklein@bricker.com;phesson@bricker.com
Tim J Robinson on behalf of Creditor JBH Enterprises, LLC tim.robinson@dinsmore.com,
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Andrew M. Simon on behalf of Creditor JobsOhio Beverage System
andrew.simon@squirepb.com
Randy T Slovin on behalf of Creditor H Meyer Dairy, LLC rtslovin@scipa.com,
bjgrandstaff@scipa.com
Stephanie P Union on behalf of Trustee sunion@keglerbrown.com, eoneil@keglerbrown.com

and on the following by ordinary US Mail addressed to:

AT Xpress, LLC
1033 Brentnell Avenue
Columbus, Ohio 43219

AT Xpress, LLC
c/o Todd A. Smith, Statutory Agent
4465 Industrial Center Drive
Obetz, Ohio 43207

Ohio Department of Commerce
Bureau of Wage and Hour
X. Brian Edwards, Assistant Attorney General
Labor Relations Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

Ohio Attorney General Collections Enforcement Section
Attn: Bankruptcy Unit
150 East Gay Street, 21st Floor
Columbus, Ohio 43215

Ohio Department Of Commerce
Division of Industrial Compliance,
Bureau of Wage and Hour Administration
Attn: Andre T. Porter, Director
6606 Tussing Road
PO Box 4009
Reynoldsburg, Ohio 43068-9009

/s/Larry J. McClatchey
Larry J. McClatchey